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SURVEY OF ACTIVITIES OF THE HOUSE COMMITTEE ON RULES, 97TH CONGRESS

REPORT

BY THE

COMMITTEE ON RULES

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JANUARY 3, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C., January 3, 1983.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

DEAR MR. HENSHAW: Transmitted herewith is a report entitled "Survey of Activities of the House Committee on Rules, 97th Congress" submitted pursuant to rule XI, clause 1(d) of the Rules of the U.S. House of Representatives.

Sincerely yours,

RICHARD BOLLING,
Chairman.

Union Calendar No. 624

97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97-1007

SURVEY OF ACTIVITIES OF THE HOUSE COMMITTEE ON RULES, 97TH CONGRESS

JANUARY 3, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BOLLING, from the Committee on Rules, submitted the following

REPORT

Pursuant to the provisions of Rule XI, Clause 1(d) of the Rules of the House of Representatives, the Committee on Rules submits the following report on its activities during the 97th Congress.

I. HISTORY, FUNCTION AND ORGANIZATION OF THE COMMITTEE ON RULES

A. HISTORY AND FUNCTION

The dual role of the modern Committee on Rules in the U.S. House of Representatives was created by the convergence of two lines of congressional history at the beginning of this century.

The first line dates back to the First Congress in 1789 when an eleven member panel was appointed to recommend rules and procedures for conducting business in the House of Representatives. A successor to that original committee was created by virtually every subsequent Congress until 1880 when the Committee on Rules became a standing committee of the House. Since then, the Committee on Rules has exercised continuous jurisdiction over the manner in which the House does its legislative work.

The second line of congressional history dates from the early 19th Century when the increasing volume of legislative proposals required the House to develop a mechanism for considering bills in order of priority, rather than the chronological order in which they were placed on a calendar of pending legislation. A mechanism also was needed for tailoring the time and terms of debate and amendment to individual bills, rather than relying on standard procedures which could not reflect the differences between bills in importance and com-

plexity. The mechanism created was a special order or "rule" which, upon adoption by the House, would allow it to consider immediately a named bill in a manner appropriate to that bill. Originally, these special orders or "rules", which took the form of internal House resolutions, were proposed by legislative committees desiring consideration of their priority bills by the House. In 1880, the Committee on Rules gained the right to report special orders on bills crafted by other committees and by 1890, the House resolutions known as special orders or "rules" had become the exclusive perogative of the Committee on Rules. The last step in this second historical line came in 1910 when the Speaker of the House, who had served on and controlled the Rules Committee since 1858 and had increasingly come to rely on its powers to control the agenda of the House, was prohibited from sitting on the committee. No Speaker since has been a member of the committee which has continued, as a committee, to recommend the special orders or "rules" which allow for the consideration of priority legislation on the floor of the House of Representatives, effect debate time and determine the range of amendments which can be offered to a bill.

These two historical lines, each representing one of the two meanings of the work "rule" in the language of the House of Representatives, were reflected in the activities of the Committee on Rules during the 97th Congress. The committee exercised its jurisdiction over the rules and procedures of the House by examining such matters as legislative veto, concerning congressional disapproval of regulations issued by federal agencies, the congressional budget process and proposals to establish select committees and support units within the House of Representatives. Upon the request of legislative committees of the House, the committee conducted 80 days of hearings on 152 bills, resolutions, and conference reports containing most of the major issues addressed by the 97th Congress. The Committee on Rules recommended 59 special orders or "rules" providing for the consideration of legislation by the House of Representatives. The Chairman of the Committee established a Task Force on the Budget Process to evaluate the numerous proposals relating to the Congressional Budget Act. Additionally, the Subcommittee on Rules of the House and the Subcommittee on the Legislative Process conducted hearings on matters of original jurisdiction to the Committee.

B. COMMITTEE ORGANIZATION DURING THE 97TH CONGRESS

During the 97th Congress, the committee was composed of sixteen members, eleven Democrats and five Republicans. Thirteen of these members had served on the committee during the 96th Congress: Democratic Representatives Bolling, Chairman of the Committee, Pepper, Long of Louisiana, Moakley, Chisholm, Zefferetti, Derrick, Beilenson, and Frost and Republican Representatives Quillen, Latta, Lott, and Taylor. Members who first joined the Committee for the 97th Congress were Democratic Representatives Bonior and Hall of Ohio and Republican Representative Rhodes, former House Republican Leader.

The organizational meeting of the Committee was held on February 3, 1981. Representative Moakley moved that the committee rules in effect at the adjournment of the 96th Congress be adopted as the rules of the committee for the 97th Congress with amendments in

three clauses. The first amendment to Rule 3(e)(1) had the affect of deleting the subpoena authority of the subcommittees and specified that subpoenas could be issued by the committee, "on its own initiative or on behalf of a subcommittee. . . ." The second amendment to Rule 4(d) provided that the size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress. During the 96th Congress the committee rules had set the ratio of each subcommittee at four majority members and two minority members. The final amendment included in the motion by Representative Moakley changed the quorum requirements for the subcommittees from two members to provide that one-third of the members of the subcommittee shall constitute a quorum and any vacancy in the subcommittee membership shall not affect the power of the remaining members to execute the functions of the subcommittee.

Mr. Latta offered an amendment to Rule 2(b) to exclude Saturdays, Sundays and legal holidays from the 48 hours notice requiremnt for regular meetings of the committee. During debate on the amendment, Chairman Bolling made it clear that he fully intended to provide members with 48 hours advance notice of regular meetings and that he had usually excluded Saturdays and Sundays from being counted as part of the 48 hour period. The Latta amendment was rejected by a voice vote and the Committee Rules as amended were approved by voice vote.

The Committee by voice vote agreed to a motion by Representative Moakley that during the 97th Congress, the Subcommittee on the Legislative Process be composed of four majority members and two minority members and that the Subcommittee on Rules of the House be composed of six majority members and three minority members. Chairman Bolling subsequently appointed the members of the two subcommittees as follows:

Subcommittee on the Legislative Process: Gillis Long, Louisiana, Chairman; Shirley Chisholm, New York; Leo Zeferetti, New York; Butler Derrick, South Carolina; Trent Lott, Mississippi; and Gene Taylor, Missouri.

Subcommittee on Rules of the House: John Joseph Moakley, Massachusetts, Chairman; Anthony C. Beilenson, California; Martin Frost, Texas; Claude Pepper, Florida; David Bonior, Michigan; Tony P. Hill, Ohio; and Gene Taylor, Missouri.

The Committee by voice vote agreed to a motion to fix the maximum pay for associate staff at $36,389 and authorized the Chairman to introduce a resolution providing investigations and studies funds for the Committee in the amount of $599,300 after rejecting an amendment by Representative Lott to reduce the budget to $503,177.

1. Rules of the Committee on Rules

On February 3, 1981, in accordance with Rule XI, clause 2(a) of the House of Representatives, the Committee on Rules adopted the following Rules of Procedure for the 97th Congress:

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

REGULAR MEETINGS

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the members of the Committee, with the Staff Director of the Committee.

NOTICE FOR REGULAR MEETINGS

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution, (B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

EMERGENCY MEETINGS AND HEARINGS

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the Ranking Minority Member.

(2) As soon as possible after calling an emergency meeting or hearing of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting or hearing and shall particularly make an effort to consult the Ranking Minority Member of the Committee or, in such Member's absence, the next ranking minority party members of the Committee.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES

IN GENERAL

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Ranking Minority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

VOTING

(b)(1) No measure or recommendation shall be reported, deferred, or tabled by the Committee unless a majority of the members of the Committee is actually present.

(2) A rollcall vote of the Committee shall be provided on any question before the Committee upon the request of any member of the Committee.

(3) A record of the vote of each member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee.

(4) Notwithstanding subsection (f)(3), the members of the Committee, or one of its subcommittees, present at a meeting or hearing of the Committee or the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate testimony, or consideration to end at a time certain.

MEDIA COVERAGE OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(c)(1) The Committee and each of its subcommittees may permit, by majority vote for each day of an open meeting or hearing of the Committee or of that subcommittee, respectively, the coverage of that meeting or hearing, in whole or in part, by television broadcast, radio broadcast, or still photography.

(2) Any media coverage under this subsection shall be subject to all the requirements and limitations set forth in clause

3 of rule XI of the Rules of the House of Representatives, and the provisions of subparagraphs (1) through (13) of paragraph (f) of such clause are hereby incorporated as part of the rules of the Committee applicable to such coverage.

QUORUM

(d)(1) For the purpose of hearing testimony on requests for rules, seven members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) For the purpose of the Committee's ordering a measure or recommendation reported, closing any of its meetings or hearings to the public, sitting in executive session, or issuing a subpoena, a majority of the members of the Committee shall constitute a quorum.

SUBPOENAS AND OATHS

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee, on its own initiative or on behalf of a subcommittee thereof, in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee, may administer oaths to witnesses before the Committee.

HEARINGS ON RULES

(f) The following procedures shall apply, as determined by the Chair, acting on behalf of the Committee, in cooperation with the Ranking Minority Member of the Committee, to Committee meetings and hearings on rules:

(1) A measure or matter before the Committee which is determined to be non-controversial as to both type of rule and substantive content may be scheduled for consideration by the Committee without any hearing.

(2) A measure or matter before the Committee which is determined non-controversial as to substantive content but controversial as to type of rule may be the subject of a Committee hearing at which the principal proponents and opponents of the rule will be provided an

opportunity to testify only as to the type of rule to be granted.

(3) A measure or matter before the Committee which is determined to be controversial as to substantive content by at least six members of the Committee will be the subject of a Committee hearing at which all interested Members of Congress who are proponents or opponents of the measure or matter will be provided a reasonable opportunity to testify.

GENERAL OVERSIGHT RESPONSIBILITY

(g)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Upon direction of the Chair, the Committee shall meet to discuss and formulate oversight plans for each new Congress, as described in clause 2(c) of rule X of the Rules of the House of Representatives.

Rule 4—Subcommittees

APPLICATION OF HOUSE AND COMMITTEE RULES

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, to the rules of the Committee.

ESTABLISHMENT AND RESPONSIBILITIES OF SUBCOMMITTEES

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) *Subcommittee on the Legislative Process*, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive branch.

(B) *Subcommittee on Rules of the House*, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

REFERENCE OF MEASURES AND MATTERS TO SUBCOMMITTEES

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or a majority of the members of the Committee may re-call for full Committee consideration any measure or matter referred to a subcommittee of the Committee.

SUBCOMMITTTEE MEMBERSHIP

(d) The size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress. Members of the Committee shall be appointed to subcommittee by the Chair in accordance with the rules applicable to each party.

SUBCOMMITTEE LEADERSHIP

(e)(1) The majority party members of the Committee shall have the right, in order of full Committee seniority, to bid to be the chairman of one of the subcommittees of the Committee. Any such bid shall be subject to approval by secret ballot of a majority of the members of the majority party caucus of the Committee. If such members reject a member's bid to chair a subcommittee, the next most senior majority member of the Committee may bid for the chair as in the first instance.

(2) The Ranking Minority Member of the Committee shall designate one of the minority party members appointed to each subcommittee of the Committee to serve as ranking minority member for that subcommittee.

SUBCOMMITTEE MEETINGS AND HEARINGS

(f)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chair of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A member of the Committee who is not a member of a particular subcommittee of the Committee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

QUORUM

(g) A quorum of each subcommittee of the Committee shall consist of a majority of the members of the subcommittee for purposes of closing a meeting or hearing of the subcommittee to the public or for ordering a measure or recommendation reported to the full Committee. For all other purposes, one-third of the members of a subcommittee shall constitute a quorum. Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

RECORDS

(h) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

Rule 5—Budget and Travel

BUDGET

(a) The Chair, in consultation with other members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

TRAVEL

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

Rule 6—Staff

IN GENERAL

(a)(1) Except as otherwise provided in this rule, a Staff Director of the Committee, professional and clerical staff of the Committee, and investigating staff of the Committee compensated from funds provided by any expense resolution, shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Except for any staff appointed by the ranking minority party member of a subcommittee (pursuant to subsection (c)) or by any other minority party member of the Committee (pursuant to subsection (b)), all professional and clerical staff provided to the minority party members of the Committee under paragraphs (a)(2) and (b)(2), respectively, of clause 6 of rule XI of the Rules of the House of Representatives, shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

ASSOCIATE STAFF

(b) Each member of the Committee is authorized to designate one person, whom the Chair shall appoint to the professional or clerical staff of the Committee and who shall work under the general supervision and direction of the member. The type of staff to which such a person is appointed shall be determined by the Chair, in the case of a person recommended by a majority party member, and shall be determined by the Ranking Minority Member of the Committee, in the case of a person recommended by a minority party member.

SUBCOMMITTEE STAFF

(c)(1) The chair and ranking minority member of each subcommittee of the Committee are each authorized to designate one person, whom the Chair shall appoint to the professional staff of the Committee and who shall work under the general supervision and direction of the chair or the ranking minority member, respectively, of the subcommittee.

(2) The chair may assign investigating staff of the Committee compensated from funds provided by any expense res-

olution to assist in work of a subcommittee of the Committee to the extent the Chair determines it to be appropriate, and any such staff to the extent so assigned shall work under the general supervision and direction of the chair of the subcommittee.

COMPENSATION OF STAFF

(d)(1) Subject to paragraph (2), the Chair shall fix the compensation of all professional, clerical, and investigating staff of the Committee, as provided by clause 6(c) of rule XI of the Rules of the House of Representatives.

(2) Except upon the Chair's recommendation to the Committee, compensation paid to associate staff appointed under subsection (b) shall not exceed a maximum rate of pay per annum determined by the Committee at its organizational meeting at the start of each new Congress, except that such maximum rate of pay shall be subject to adjustment by the Chair within the term of a Congress in accordance with section 5 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a–2).

CERTIFICATION OF STAFF

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the member of the Committee who supervises and directs the staff member's work shall file with the Staff Director of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

RECORDS

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing.

(2) The minutes of each executive meeting of the Committee shall be available to all Members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

CALENDARS

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other Committee on which a rule has been granted or formally requested. The Calendar shall contain (A) the number, a brief description, and the name of the principal sponsoring Member of each such bill or resolution, (B) the name of the committee or committees which reported such bill or resolution (in the case of measures on which a rule has been granted or formally requested), and (C) such further information as the Chair may direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session and shall contain (A) the number, a brief description, and the name of the principal sponsoring Member, of each such bill or resolution, (B) the name of the committee or committees which reported such bill or resolution and the dates of such reports, (C) the date on which a rule was formally requested,

and (D) a description (if any) of the rule requested by each such committee.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

OTHER PROCEDURES

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

Rule 8—Amendments to Committee Rules

The rules of the Committee may be modified, amended, or repealed by a vote of a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

II. Committee Jurisdiction and Activities

A. INTRODUCTION

The jurisdictional mandate of the Committee on Rules is set forth in Rule X, clause 1(q) as follows:

(q) Committee on Rules.

(1) The rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct), and order of business of the House.

(2) Emergency waivers (under the Congressional Budget Act of 1974) of the required reporting date for bills and resolutions authorizing new budget authority.

(3) Recesses and final adjournments of Congress.

(4) The Committee on Rules is authorized to sit and act whether or not the House is in session.

Within the jurisdictional framework, the measures considered by the committee fall into two categories: matters of "original jurisdiction" and special orders or "rules" establishing the order of business for the consideration of particular legislation. The term "original jurisdiction" applies to measures other than special orders which directly or indirectly amend House Rules or procedures. These measures usually are introduced bills or resolutions referred to the committee by the Speaker. Special orders or "rules" usually are House resolutions which originate in the committee to accompany legislation reported by legislative committees.

The majority of the committee's time is devoted to consideration of requests for "rules" on legislative matters, which is accomplished exclusively at the full committee level. During the 97th Congress the committee held 80 days of hearings on legislation for which "rules" had been requested. Additionally, the Subcommittees on the Legislative Process and Rules of the House and the Task Force on the Budget Process held numerous hearings on matters of original jurisdiction to the committee. A discussion of consideration of special orders or "rules" will be followed by a review of the activities of the full committee, the subcommittees and the task force on matters of original jurisdiction.

B. SPECIAL ORDERS OR "RULES"

The process of considering requests for special orders or "rules usually begins when the Committee on Rules receives a letter from a legislative committee requesting that it hold a hearing and recommend a rule on a particular measure. The letter is usually sent by a full committee chairman or subcommittee chairman and most often makes a specific request for the type of rule desired by the legislative committee. Once a hearing has been scheduled, the Committee on Rules endeavors to allow all interested Members of Congress who are proponents or opponents of the legislation a reasonable opportunity to testify. Under normal circumstances prior to the meeting on a rule request copies of the legislation, accompanying committee report or conference report are provided to the Committee members at least twenty four hours in advance.

During the 97th Congress, the Committee on Rules received 186 formal requests for hearings on the granting of rules. The committee held 81 days of hearings pursuant to these requests on 152 bills, resolutions and conference reports. Only 23 formal requests were pending before the committee at the adjournment of the 97th Congress. The Committee granted 152 on 145 bills and resolutions and 7 conference reports.

The House adopted 132 of the rules recommended by the Committee. Only one of the rules reported by the Committee was rejected by the House: House Resolution 628, providing for the consideration of S. 1964, the bill designating certain areas in the Mark Twain National Forest in Missouri as Irish Wilderness as components of National Wilderness Preservation System, was rejected by the House on December 14, 1982 by a vote of 186 to 191. One resolution, House Resolution 560, providing for the consideration of H.R. 6857, the State-Justice-Commerce Appropriations Act, was referred by the House to the Committee on Rules after defeating the previous question by record vote of 144 to 208, defeating the motion to table the motion to refer by record vote of 173 to 179 and agreeing to the previous question on the motion to refer by record vote of 173 to 179 and agreeing to the previous question on the motion to refer by vote of 183 to 170. The motion to refer finally passed by voice vote. The Committee subsequently granted another rule on H.R. 6957, House Resolution 617, which was passed by the House on December 8, 1982 by voice vote.

One rule was tabled by the House. House Resolution 584, providing for the consideration of S. 2177, the Colorado River Basin Project Act, was tabled by unanimous consent on September 30, 1982 after the

bill was considered by unanimous consent and passed by voice vote on that date.

Fifteen rules remained pending on the House Calendar at adjournment. Of the 152 rules granted by far the most frequent type of rule recommended by the committee was an open rule. The Committee granted ninety open rules, twelve modified open rules and ten modified closed rules. The Committee granted forty rules classified as "other" which include rules waiving points of order against conference reports or appropriations bills.

During the 97th Congress a rule providing for consideration of House Joint Resolution 350, proposing an amendment to the Constitution providing for a balanced budget and other purposes was discharged from the Rules Committee. House Resolution 450 was introduced by Representative Conable and referred to the Committee on Rules. On September 29, 1982, a discharge motion (#18) filed by Representative Conable received the requisite 218 signatures and the resolution was discharged from the Committee. On September 30, 1982, the Committee on Rules held an emergency meeting and granted a rule, House Resolution 604, providing for the consideration of H.J. Res. 350. House Resolution 604 provided two hours of general debate on the constitutional amendment, provided that the joint resolution shall be considered as read, made in order only the two following amendments, which had to be offered in the following order, only, not subject to amendment in the House or in the Committee of the Whole but debatable for not to exceed the time as specified: (1) an amendment in the nature of a substitute printed in the Record of September 30, 1982, by Representative Alexander, debatable for one hour; and (2) an amendment in the nature of a substitute consisting only of the text of H.J. Res. 350 as introduced, if offered by Mr. Conable, to be debatable for one hour; and provided that amendment Number 2 be in order even if amendment Number 1 was adopted; provided one motion to recommit and provided that House Resolution 450 be laid on the table. On October 1, 1982, the rule, House Resolution 604, was adopted by the House by voice vote. House Joint Resolution 350 subsequently failed of passage by a record vote of 236 to 187, thus failing to get the required two-thirds in the affirmative.

1. Congressional Budget Act matters

Of continuing concern to the Committee is the operation of the Congressional Budget Act of 1974. During the 97th Congress, the Committee recommended 98 waivers of the requirements of the Budget Act. Prior to the granting of most of these waivers the committee consulted with the Committee on the Budget. These consultations were instituted by the Committee on Rules to ensure a coordinated response to the various violations of the budget process. The Committee recommended the following waivers against violations of the Budget Act in order of frequency: Section 402(a) (requiring new budget authority to be reported by May 15 preceding the beginning of the fiscal year for which it becomes effective), 42 waivers; Section 401(a) (requiring new contract, borrowing or new spending authority for a fiscal year to be provided for in advance in appropriations acts), 21 waivers; Section 311(a) (prohibition of new budget or spending authority in excess of the most recently agreed to concurrent resolution on the budget;

breaching the budget ceiling or revenue floor), 15 waivers; 303(a)(4) (new spending authority not in order before first budget resolution is adopted), 9 waivers; 401(b)(1) (prohibiting new entitlement authority to become effective before the first day of the fiscal year which begins during the calendar year in which it is reported), 7 waivers; 303(a)(1) (new budget authority not in order before first budget resolution is adopted), 2 waivers; 303(a) (prohibits new budget authority, new spending authority, increase or decrease in revenues or public debt to become effective before first budget resolution is adopted), 1 waiver; and 305(a) (procedures for consideration of budget resolution), 1 waiver.

2. Other waivers of House rules

The 152 rules recommended by the Committee contained 127 waivers of Rules of the House. Many of the waivers were technical in nature, but others presented issues of orderly legislative procedure pertinent to committees and the House. The Committee on Rules examined each of these waivers against violations of the following Rules of the House in order of frequency: Rule XXI, clause 5 (appropriations on a legislative bill), 41; Rule XVI, clause 7 (germaneness), 27; Rule XXI, clause 2 (unauthorized appropriations or legislation on an appropriations bill), 19; Rule XXI, clause 6 (reappropriations), 15; Rule XI, clause 2(1)(6) (three day layover) 9; Rule XXVIII, clause 3 (exceeding scope), 4; Rule XXI, clause 7 (printed report on appropriations bill), 2; Rule XXVIII, clause 4 (germaneness in a conference report), 1 and eight other miscellaneous waivers.

C. ORIGINAL JURISDICTION: MEASURES CONSIDERED

During the 97th Congress the Committee on Rules held seventeen days of hearings on twelve of the two hundred and twelve measures of original jurisdiction which were introduced and referred to the Committee or originated in the Committee. The committee focused its attention on proposals relating to establishing select committees, outside earned income, legislative veto, sunset legislation, budget process, committee and House procedure, establishing mechanisms for commemorative celebrations for FDR and the House bicentennial and related matters. The full Committee reported or discharged itself from consideration of ten original jurisdiction measures, of which eight were adopted by the House and two were rejected by the House. The Committee held hearings on sixteen measures of original jurisdiction and the Task Force on the Budget Process held four days of hearings on the congressional budget process.

Ten of the original jurisdiction measures referred to the full committee were referred to the Subcommittee on the Legislative Process during the 97th Congress. The subcommittee held nine days of hearings, including one joint hearing with the Subcommittee on Rules of the House and took testimony from thirty witnesses. The subcommittee concentrated on sunset legislation, proposals to strengthen procedures for congressional review of federal programs, and a proposal to strengthen committee procedures and make the legislative process more efficient.

Forty-four bills and resolutions were referred to the Subcommittee on Rules of the House during the 97th Congress and the subcommittee

held four days of hearings, including the joint hearing with the Subcommittee on the Legislative Process. A summary of the activities of the subcommittees appears later in this report.

1. Full committee

(a) Creation or extension of select committees.—

The Committee on Rules considered and reported two resolutions pertaining to the creation or extension of select committees during the 97th Congress.

House Resolution 13, establishing a Select Committee on Narcotics Abuse and Control was introduced on January 5, 1981 by Representative Zeferetti and thirteen cosponsors. The select committee was first established in the 94th Congress and reauthorized in each succeeding Congress. House Resolution 1350, creating the select committee, was adopted by the House on July 29, 1976 by a vote of 361 to 10. In the 95th Congress, House Resolution 77, adopted by unanimous consent of the House on January 11, 1977, continued the select committee. In the 96th Congress, House Resolution 13, adopted by the House on March 21, 1979, by a vote of 338–75, continued the select committee. The select committee was created to study drug abuse in the United States and narcotics trafficking of both a national and international nature. The sole function of the select committee was to study and recommend. It had no legislative jurisdiction. On February 18, 1981, House Resolution 13, to reauthorize the select committee for the 97th Congress was the subject of a hearing by the Committee on Rules. Testimony was heard from Representatives Zeferetti, Rangel, Railsback, Coughlin, Gilman and Dornan. Testimony was submitted for the record by Representative Beard. Representative Zeferetti offered a motion to report the resolution with an amendment to increase the size of the select committee from seventeen to nineteen. Representative Rhodes offered an amendment, which was adopted by unanimous consent, to add language concerning recommendations for a comprehensive program to control the worldwide problem of drug abuse.

The language of House Resolution 13 conformed to the model resolution appearing in "Guidelines for the Establishment of Select Committees," a subcommittee print approved by the Committee on Rules during the 95th Congress on October 31, 1977. The model language assured that the select committee would operate under the general rules pertaining to all standing committees as contained in clauses 1, 2, and 3 of Rule XI of the Rules of the House of Representatives. The primary reason for the establishment of the select committee was to coordinate efforts to study drug abuse and trafficking in a comprehensive manner. Jurisdiction for the subject matter is shared by at least eight committees of the House. House Resolution 13 provided that at least one member of the select committee should be chosen from each of the following committees of the House: The Committees on Agriculture, Armed Services, Government Operations, Foreign Affairs, Energy and Commerce, the Judiciary, Merchant Marine and Fisheries, and Ways and Means. House Resolution 13 was reported to the House as amended on February 19, 1981, House Report No. 97–4. The resolution passed the House on February 25, 1981 by a record vote of 276 to 101. Representative Zeferetti was subsequently appointed chairman of the select committee.

House Resolution 421, establishing a Select Committee on Children, Youth and Families was introduced on March 31, 1982 by Representative George Miller of California and over two hundred cosponsors. The sponsors of the resolution indicated that the select committee was intended to provide the Congress with a mechanism to assure accountability and reduce overlap among existing programs and policies affecting children and their families. Policies and program decisions made by the Federal Government and the Congress, involving education, employment, health and nutrition, law enforcement, or economic policy have a substantial effect upon the well being of American children and their families and there is currently no single agency or congressional committee which focuses on the diverse and complex problems of this group.

House Resolution 421 was the subject of a hearing by the Rules Committee on September 16, 1982. Testimony in support of the resolution was heard from Representatives Miller of California, Lindy Boggs, Barbara Mikulski, John Rousselot and Henry Hyde. Testimony in support of the resolution was also submitted for the record by Representatives Henry Waxman and Ted Weiss. The resolution, as introduced, provided for an amendment to clause 6 of RuleX of the Rules of the House to create a thirty-six member Select Committee and proposed that the Select Committee exist until the end of the ninety-ninth Congress. When the Committee considered the resolution for amendment, Representative Chisholm offered an amendment in the nature of a substitute which was adopted by voice vote. Since all temporary select committees expire with their final report or at the end of each Congress, the substitute revised the resolution to delete the language amending the Rules of the House to establish a permanent select committee until the end of the ninety-ninth Congress.

The Committee substitute further revised the resolution to conform with the "Guidelines for Establishment of Select Committees". The substitute reduced the number of members who could serve on the select committee from thirty-six to no more than thirty and included the appropriate language to insure that the provisions of clauses 1, 2 and 3 of Rule XI relating to rules of procedures for committees and select committees would be applicable to the Select Committee on Children, Youth and Families. House Resolution 421 was ordered reported to the House by voice vote, a quorum being present, September 16, 1982. House Report No. 97–847 was filed September 21, 1982. House Resolution 421 was passed by the House on September 29, 1982 by a voice vote. No members were appointed to the Select Committee on Children, Youth and Families during the 97th Congress.

(*b*) *Authorizing an investigation and inquiry by the Committee on Standards of Official Conduct.*--House Resolution 67 was introduced on February 6, 1981 by Representative Stokes and the other members of the Committee on Standards of Official Conduct and referred to the Committee on Rules as a matter of original jurisdiction. The resolution authorized and directed the Committee on Standards of Official Conduct to undertake an investigation of alleged improper conduct of Members, officers, or employees of the House in the course of the investigation by the Department of Justice and the Federal Bureau of Investigation, commonly referred to as ABSCAM. House Resolution 67 extended the mandate to pursue an investigation of the ABSCAM

operation which was granted to the Committee on Standards of Official Conduct by an identical resolution—House Resolution 608—during the 96th Congress.

On March 3, 1981, the Committee on Rules, which has original jurisdiction over authorizing investigations by House committees, held one day of hearings on House Resolution 67. Chairman Stokes and Representative Floyd Spence, ranking minority members of the Committee on Standards of Official Conduct presented testimony in support of the resolution. House Resolution 67 granted the Committee on Standards of Official Conduct the authority to continue the ABSCAM investigation. Under clause 4(e)(1) of Rule X of the Rules of the House of Representatives, the Committee is empowered to conduct an investigation of alleged violations of the Code of Official Conduct or of any law, rule or regulation of the House applicable to the conduct of Members, Officers, or employees. However, House Resolution 67 was intended to give the Committee a clear mandate from the House to pursue an investigation of ABSCAM and to permit the establishment of special procedures to facilitate this investigation. The resolution provided the Committee the discretion of determining the scope of the inquiry and of making recommendations to the House regarding the conduct of Members of Congress.

House Resolution 67 established special procedures which could be implemented by the Committee during the course of the investigation to enhance the ability of the Committee to pursue its responsibilities. The Committee was authorized to participate by special counsel on behalf of the Committee or the House in any judicial proceedings related to any inquiry or investigation conducted under the authority of House Resolution 67. This authority is similar to that granted for other investigations, including the Korean investigation and the initial ABSCAM inquiry. The resolution also specified the procedure for authorizing and issuing subpoenas and interrogatories including requests to the Secretary of State for the transmittal of letters, rogatory to foreign agencies. The subpoena authority could be exercised by the chairman and the ranking minority member acting jointly, or alone, or if either declines or is unable to act by the Committee acting as a whole. On March 3, 1981 the Committee on Rules ordered House Resolution 67 favorably reported, by a unanimous voice vote, as a privileged resolution, House Report No. 97–7. On March 4, 1981 the House adopted House Resolution 67 by a record vote of 390 to 1.

(*c*) *Task Force on the Budget Process.*—On March 30, 1982, Chairman Richard Bolling announced creation of a Task Force on the Budget Process. Citing "difficulties plaguing the process" the Chairman charged the panel to undertake a thorough review of budget problems and of various proposals for improving the process.

The Task Force was composed of six voting Members from the Committee on Rules: Anthony C. Beilenson, Chairman; Martin Frost, David Bonior, Tony Hall, Delbert Latta, and John Rhodes. In addition to these voting members, Chairman Bolling appointed nine other Members of the House representing committees that were particularly involved in the budget process including Appropriations, Ways and Means and the Budget Committee: James R. Jones (D Okla.), Bill Hefner (D., N.C.,), Leon Panetta (D., Calif.), Richard Gephardt (D., Mo.), Adam Benjamin (D., Ind.), Bill Frenzel (R., Minn.), Ralph

Regula (R., Ohio), Tom Loeffler (R., Tex.), and Richard Cheney (R., Wyo.). Upon Representative Benjamin's death, Representative Les Aspin (D., Wisc.) was appointed to fill the vacancy on the Task Force.

During the short time it was in existence during the 97th Congress, the Task Force held more than a dozen work sessions covering all major aspects of the budget process. Experts from several House committees, the Congressional Budget Office and the Congressional Research Service assisted in detailed discussions on budgeting issues. During September, the Task Force held four formal public hearings. On September 15 and 17, 1982 hearings were held to receive testimony of any Member of the House who wished to express his views on the budget process. Seventeen Members of the House either testified in person or submitted statements for consideration by the Task Force. On September 23, 1982 testimony was received from the majority and minority leaders and from chairmen and ranking minority members of House committees with direct spending jurisdiction. On September 29, 1982, a fourth hearing was held during which testimony was received from the chairmen and ranking minority members of Senate committees with jurisdiction over the Congressional Budget Act. Other witnesses included Comptroller General Charles Bowsher, Director of the Congressional Budget Alice Rivlin, and former Representative Robert Giaimo, now associated with the Committee for a Responsible Federal Budget.

The Task Force did not report specific recommendations during the 97th Congress and it is anticipated that the Task Force would continue its work in the 98th Congress.

On December 16, 1982, the Democratic Caucus of the House of Representatives adopted by voice vote a resolution stating that it was the sense of the Congress that the Task Force on the Budget Process should report recommendations for the improvement of the Congressional Budget process as early in the 98th Congress as practicable. The resolution identified the following as areas of particular concern: (1) the timetable for implementing the budget process, (2) the content and scope of budget resolutions, (3) the scope of the joint explanatory statement accompanying the conference report on the first budget resolution, and (4) the application of allocation reporting requirements.

The hearing record and deliberations of the Task Force on the Budget Process have provided an evidentiary basis for further consideration by the Committee on Rules and the Task Force on the Budget Process. The Task Force hearings have been published in a single volume.

(d) State and Local Government Cost Estimate Act of 1981.—H.R. 1465 was introduced on January 28, 1981, by Representative Zeferetti of New York with Representatives Lundine of New York and Mineta of California as original cosponsors. The bill, which received over one hundred cosponsors, was referred to the Committee on Rules. H.R. 1465 proposed an amendment to the Congressional Budget Act of 1974 to require the Congressional Budget Office, for every significant bill or resolution reported in the House or the Senate, to prepare and submit an estimate of the cost which would be incurred by state and local governments in carrying out or complying with such bill or resolution. The cost estimate would be required if in the judgment of the CBO director, the appropriate legislation would likely result in

an annual cost to state and local governments of $200 million or more, or would likely have exceptional fiscal consequences for a geographic region or a level of government. An amendment to the Congressional Budget Act requiring CBO to prepare state and local government cost estimates for reported bills and resolutions, in a manner similar to the current federal government cost estimates, was first proposed to the Subcommittee on Rules and Organization of the House, chaired by Representative Gillis Long, during the second session of the 95th Congress. During the 96th Congress on September 24, 1980, the full Committee on Rules held a hearing on H.R. 3697, introduced by Representative Holtzman, which would have required CBO to produce state and local cost estimates on every bill or resolution reported by congressional committees. During previous Rules Committee hearings CBO representatives have pointed out that the proposal presented resource and methodological problems. Accordingly, Chairman Bolling requested a feasability and cost study from the Congressional Budget Office on H.R. 1465 on October 7, 1981. The study was transmitted to Chairman Bolling and distributed to the Members of the Committee on Rules on November 16, 1981.

On November 18, 1981, the full committee held a public hearing on H.R. 1465. Testimony in favor of the proposal was received from Representatives Zeferetti, Lundine, and Mineta, CBO Director Rivlin, and numerous representatives of state and local governments and intergovernment organizations. All witnesses argued that the bill would provide Congress with important information about the intergovernmental consequences of federal legislation. Alice Rivlin emphasized that the preparation of state and local cost estimates would be more complicated and take longer than the preparation of federal cost estimates and that CBO's data collection and analytic techniques would need to vary with the nature of each bill.

Full Committee markup on H.R. 1465 in the presence of a quorum was also held on November 18, 1981. The committee approved, by voice vote, two amendments offered en bloc by Representative Zeferetti. The first amendment made the bill effective for legislation reported by congressional committees after September 30, 1982. The bill as introduced was effective for legislation reported on or after the date of enactment. Mr. Zeferetti argued that a later effective date would provide CBO with time to prepare for the implementation of the bill. The second amendment changed the sunset date for the bill from September 30, 1986 to September 30, 1987. Mr. Zeferetti argued that this amendment, in conjunction with the effective date change, would ensure the five year trial period contemplated in the bill as introduced. Following adoption of these amendments, in the presence of a quorum, the committee ordered the bill favorably reported by voice vote. House Report No. 97–353 was filed in the House on December 3, 1981. On December 8, 1981 H.R. 1465 passed under suspension of the Rules by a voice vote. The bill passed the Senate on December 16, 1981 and enacted into law December 23, 1981. Public Law 97–108.

On December 9th and 10th the Committee on Rules held hearings on H.R. 4882, a proposal to amend the Congressional Budget Act of 1974 to require that each congressional budget resolution fix the level of tax expenditures for the fiscal year involved as well as the recommended level of Federal revenues. H.R. 4882 was introduced on

November 4, 1981 by Representative Bonior, a member of the Rules Committee and referred to the Committee on Rules. On November 19, 1981 Chairman Bolling sent letters to individuals with expertise in tax and fiscal policy and interested Members of Congress, former Members and representatives of public agencies and private organizations announcing the hearings on December 9 and 10, 1981.

In his letter Chairman Bolling indicated that the Budget Act currently mandates ceilings for expenditures and floors for revenues through those budgetary instruments. Tax expenditures, falling properly into neither category, are controlled only obliquely and incompletely through the establishment of revenue floors, even though they were estimated to account for $229 billion in foregone revenues in 1981. During the hearings witnesses remarked on the nature and economic effects of tax expenditures, the relationship of tax expenditures to the Congressional budget process, the merits of setting annual ceilings in tax expenditures through the budget resolutions, and alternative approaches to the control of this fiscal tool. On December 9 testimony on H.R. 4882 and related matters was received from Representatives Bonior, Jones of Oklahoma and Gephardt; Dr. Alice Rivlin, Director, Congressional Budget Office; Mr. W. Bowman Cutter, former Associate Director for Budget, Office of Management and Budget; Professor Allen Schick, School of Public Affairs, University of Maryland; Mr. Harry Havens, Assistant Comptroller General, General Accounting Office; and Mr. Ray Denison, Director, Department of Legislation, AFL–CIO. On December 10 testimony was received from Representative Thomas Daschle, Hon. Robert Giaimo, former Chairman of the House Budget Committee; Mr. Stuart Eizenstat, former Assistant to the President for Domestic Affairs; Professor Paul McDaniel, Boston College Law School; Hon. Sheldon Cohen, former Commissioner of the Internal Revenue Service; Mr. Fred Wertheimer, Executive Director of Common Cause; Mr. Rudolph Penner, American Enterprise Institute; and Dr. Richard Rahn, Vice President, U.S. Chamber of Commerce.

(*e*) *Tax expenditures.*—Tax expenditures, as defined by the Budget Act, are those "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability." They are designed to reduce a tax burden or encourage particular economic behavior for a targeted segment of the population.

In practice, they are realized in such forms as tax deductions for charitable contributions as well as the expensing of exploration and development costs for oil companies. They are the deductibility of mortgage interest and special tax treatment of royalties on coal.

Although total cost estimates in "revenues lost" are tenuous, the Congressional Budget Office has estimated their aggregate cost to be $266.3 billion in FY '82 and that figure is expected to rise to $465.3 billion by 1986. Since 1975, tax expenditures have grown at an annual rate of 14%, compared to 11% for direct expenditures.

Despite their aggregate size and the fact that they constitute fiscal tools no less than direct expenditures or revenue raising, the budget process does not provide for their direct control. The Budget Act

requires only the setting of ceilings for expenditures and floors for revenues in the language of the budget resolutions. Tax expenditures are not separately listed in the budget resolution. The Budget Act requires that the report accompanying the budget resolution detail the level of tax expenditures but the report language, obviously, would not be binding. It is presumed, however, that tax expenditures are to be taken into account in establishing revenue floors in the budget resolution. Presumably, new or expanded tax expenditures which would lower the revenue floors of the second resolution or any subsequent resolution would be subject to a point of order but this does not address the question of existing, continuing tax expenditures.

Further, although tax expenditures functions in a manner similar to direct expenditure programs, they are not subject to the appropriations process and rarely to reauthorization.

By placing tax expenditures on the same footing as direct expenditures and revenue floors with respect to the budget resolutions, the bill seeks to assure their regular justification and provide the Congress the needed access to tax expenditures to make a full range of priority decisions in its effort to formulate the budget.

Original jurisdiction hearings were held in the 96th Congress which dealt, to a limited extent, with limitations on the use of tax expenditures. The first hearings were held in the Subcommittee on the Legislative Process and concerned the sunsetting of tax expenditures (April through December, 1979). The second set of hearings were held by the Task Force on Federal Spending Limitation Proposals within the context of broader Federal spending limitations (January through March, 1980). No legislation concerning limitations on tax expenditures was reported.

A summary of the provisions of H.R. 4882 follows:

Section 1 amends the Budget Act in four different sections:

(*a*) Section 301(a)(4): To require the recommendation of levels for tax expenditures be included in the first budget resolution and the amount, if any, by which the aggregate level should be increased or decreased by the appropriate committees.

(*b*) Section 303(a)(2): To prohibit the consideration of any bill or resolution which increases or decreases tax expenditures in a fiscal year before the first budget resolution is passed.

(*c*) Section 310(a)(2): To require that the second budget resolution specify the amount, if any, by which tax expenditures are to be changed and direct the appropriate committees to recommend changes.

(*d*) Section 331(a): To make it out of order to consider any tax expenditure measure which would lower the revenue floors provided for in the second or most recent budget resolution and reconciliation.

Section 2—Effective date: Fiscal years after 30 September 1982.

(*f*) *Commemoration of Bicentennial of the House of Representatives.*—The Committee on Rules reported two resolutions relating to an Office of House Historian to assist in planning the bicentennial of the House and an Office for the Bicentennial of the House of Representatives.

House Resolution 581, a resolution amending the Rules of the House of Representatives to establish an Office of the Historian in the United States House of Representatives was introduced on September 15, 1982 by Chairman Bolling and referred to the Committee

on Rules. The resolution proposed the creation of an Office of the Historian in the House of Representatives which would be similar to its Senate counterpart. The Historian and the Office would operate within the framework of the Office of the Speaker of the House. The resolution provided that under the direction of the Speaker, the Historian would be authorized to manage, supervise, and administer the Office. House Resolution 581 further provided for appointment of an Historian by the Speaker without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed would serve at the pleasure of the Speaker. The resolution specified that the Historian would have the responsibility of coordinating the planning of the commemoration of the bicentennial of the House of Representatives and developing programs for better preservation of the history of the House.

House Resolution 581 was introduced on the recommendation of the informal congressional working group on August 17, 1982 by Chairman Bolling at the direction of the Speaker. The working group had recommended to the Speaker that he appoint an advisory panel of historians, political scientists, former Members of the House and others to assist in planning the bicentennial and in selecting an historian to coordinate this process. On September 8, 1982 the congressional working group met and proposed creation of an Office of Historian in the House through adoption of a resolution. House Resolution 581 was introduced by Chairman Bolling subsequent to this meeting.

On September 21, 1982, the Committee on Rules which has original jurisdiction over amendments to the Rules of the House of Representatives, held a hearing on House Resolution 581. Testimony in support of the resolution was received from Representatives Lindy Boggs and Paul Simon. Several Members of the Committee on Rules also made statements in support of the resolution. The Committee on Rules ordered House Resolution 581 favorably reported to the House, by voice vote, a quorum being present, on September 21, 1982. House Report No. 97–848. The resolution proposed an amendment to House Rule I by adding a new clause 10 to establish in the House of Representatives an office to be known as the Office of the Historian. The resolution provided that all expenses of the Office could be paid from the contingent fund of the House on vouchers solely approved and signed by the Speaker, until otherwise provided by law or resolution.

On September 24, 1982, the House by vote of 132 to 180 rejected House Resolution 581. Opponents of the resolution argued that there was no need for a permanent Office of the Historian to plan the bicentennial but agreed that the House needs to take action to coordinate planning of the bicentennial of the Congress. Representative Newt Gingrich, a member of the informal congressional working group on the bicentennial, introduced House Resolution 621 on December 7, 1982 and the resolution was referred to the Rules Committee.

House Resolution 621 proposed the creation of an Office for the Bicentennial of the House of Representatives which would coordinate the planning of the commemoration of the two hundredth anniversary of the House of Representatives in 1989. The resolution proposed a temporary office which would cease to exist not later than September 30, 1989 unless otherwise provided by law or resolution. The management, supervision, and administration of the office would be under the

direction of the Speaker and would be staffed by a professional historian. The historian would be appointed by the Speaker without regard to political affiliation, solely on the basis of fitness to perform the duties of the position and any person so appointed would serve at the pleasure of the Speaker. All expenses of the Office would be paid from the contingent fund of the House on vouchers solely approved and signed by the Speaker, until otherwise provided by law or resolution.

On December 14, 1982, the Committee on Rules, which has original jurisdiction over amendments to the Rules of the House of Representatives, held a hearing on House Resolution 621. Testimony in support of the resolution was received from Representative Newt Gingrich. Several Members of the Committee on Rules also made statements in support of the resolution. The Committee on Rules ordered House Resolution 621 favorably reported to the House without amendment, by a voice vote, a quorum being present, on December 14, 1982. House Report No. 97–967. The resolution amends Rule I of the Rules of the House of Representatives by adding a new clause 10 to establish in the House of Representatives an Office for the Bicentennial of the House of Representatives.

On December 17, 1982, the House considered House Resolution 621 and by a record vote of 230 to 97 agreed to the resolution.

(*g*) *Proposal to separate functions within the Committee on Standards of Official Conduct.*—During the 96th Congress a committee of the House Democratic Caucus focused attention on the way the House conduct disciplinary actions against its Members. On December 10, 1980, the Caucus adopted proposals concerning separation of the functions within the Committee on Standards of Official Conduct and referred those proposals to the Committee on Rules with the recommendation that the Rules Committee give them prompt attention and report its recommendations to the House. On January 22, 1981, House Resolution 31 was introduced by Represenative Don Edwards of California et al. and referred to the Committee on Rules. House Resolution 31 proposed the bifurcation of the Committee on Standards of Official Conduct into two independent subcommittees: a subcommittee on investigations and a subcommittee on adjudications; required all members of the adjudication subcommittee to be present at all proceedings they are involved in; allowed Members accused of offenses to have a lawyer present on the House floor during proceedings there; and placed a five-year statute of limitations on offenses for which Members may face disciplinary action. The proposal also authorized the appointment of defense counsel by the Speaker from among the membership of the House.

On February 18, 1981 the Committee on Rules held a hearing on House Resolution 31 and received testimony from Representatives Don Edwards and Floyd Spence in support of the resolution. Testimony for the record was submitted by Representative Ed Bethune and Charles Rose. Action was deferred on House Resolution 31.

(*h*) *Outside Earned Income of Members of the House of Representatives.*—During the early part of the 97th Congress, Members on both sides of the aisle expressed reservations about the outside earned income limitation on Members of the House of Representatives and recommended that the Committee on Rules hold hearings on this issue.

Chairman Bolling raised the issue during a committee meeting on July 14, 1981 in an effort to ascertain the sense of the Committee on holding hearings. A preliminary staff analysis on proposals to revise the outside earned income limitation and a Common Cause study on the issue were distributed to the Members as background material. The committee agreed to commence hearings on the matter after the August recess. The Chairman stated his commitment that proposed changes would be accomplished openly and only in the light of the normal legislative process. The Committee on Rules held a hearing on various proposals to amend House Rule XLVII on September 15, 1981, and heard testimony from Representatives Paul Simon (D., Ill.), William Dickinson (R., Ala.), the Republican Leader, Robert Michel, and Peter Peyser. The Chairman reviewed the statutory and other foundations that form the basis for House Rule XLVII and expressed the committee's interest in exploring proposals which amend the rule without obliterating its basic concepts. On October 1, 1981 House Republican Leader, Robert Michel and Democratic Leader, Jim Wright, introduced House Resolution 237, a resolution to repeal Rule XLVII to eliminate the limitation on outside earned income. The full Committee on Rules met on October 6, 1981 in a closed session to discuss the various alternatives to House Rule XLVII. On October 7, 1981, the Committee on Rules announced that a further hearing would be held on October 15, 1981. At that hearing testimony was received from Fred Wertheimer, President of Common Cause. Mr. Wertheimer recommended temporarily increasing the limit on outside earned income from 15 percent to 30 percent until January 1, 1983 when the annual pay increases anticipated by the recent changes in existing law would take effect. Mr. Wertheimer made other recommendations for changes in House Rule XLVII.

On October 21, 1981, Chairman Bolling introduced House Resolution 251, amending the Rules of the House to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983 from 15 percent to 40 percent. In addition, the resolution would increase from $1,000 to $2,000 the amount of the maximum honorarium a Member may accept for a speech given, appearance made or article produced by the Member on or after the date of adoption of House Resolution 251.

On October 27, 1981, by a voice vote and in the presence of a quorum, the committee ordered House Resolution 251 favorably reported without amendment. The Committee proceeded to report a resolution (House Resolution 258) providing for consideration of House Resolution 251 in the Committee of the Whole and providing for two hours of general debate and one motion to recommit. House Report No. 97–303. On October 28, 1981 the House adopted by voice vote House Resolution 258, the rule providing for consideration of House Resolution 251. However, House Resolution 251 was rejected by the House on a record vote of 147 to 271 on the same day. On December 15, 1981 the House by unanimous consent agreed to House Resolution 305, a resolution to double the outside earned income limit from 15 percent to 30 percent beginning 1981. House Resolution 305 was not referred to the Committee on Rules.

(*i*) *Providing for the Commemoration of the one hundredth anniversary of the birth of Franklin Delano Roosevelt.*—House Concur-

rent Resolution 220 was introduced by Representative Wright, for himself, and Representatives Yates and Pepper on November 16, 1981 and referred to the Committee on Rules. The concurrent resolution proposed the establishment of a sixteen member joint committee on arrangements to provide for the centennial anniversary of the birth of Franklin Delano Roosevelt. On November 17, 1981, the Committee on Rules held one day of hearings on House Concurrent Resolution 220. Representatives Wright and Yates presented testimony in support of the concurrent resolution. On November 17, 1981, the Committee on Rules ordered House Concurrent Resolution 220 reported to the House without amendment by voice vote. House Report No. 97–339.

House Concurrent Resolution instructed the Joint Committee on Arrangements to arrange a joint meeting of Congress on January 27, 1982, or on a day selected by the Speaker of the House of Representatives, issue appropriate invitations and coordinate its functions with the activities of other centennial organizations as it deems appropriate. The concurrent resolution instructed the joint committee to appoint an Executive Director to serve without compensation and to accept other volunteer services at its discretion. Finally, the joint committee was authorized to spend not more than $25,000 to be paid from the contingent fund of the House of Representatives.

On November 20, 1981 the House by voice vote adopted House Resolution 277, the rule providing for the consideration of House Concurrent Resolution 220, providing for consideration in the House with one hour of debate and one motion to recommit. The House subsequently adopted House Concurrent Resolution 220 by a vote of 344 to 18. The joint meeting of Congress commemorating the one hundredth anniversary of the birth of Franklin Delano Roosevelt was held on January 28, 1982.

(*j*) *Other activities.*—Committee staff members have been working with the Congressional Research Service and political scientist, Bruce I. Oppenheimer, on a history of the Committee on Rules to commemorate its 100th anniversay as a standing committee in 1980. The lack of an index for the committee's archives had delayed the completion of this project which involved extensive research. The committee print "History of the Committee on Rules" was published at the end of the 97th Congress.

As a service to the House of Representatives, the committee collected the rules adopted by all committees of the House. The Committee published and circulated to Members and staff a committee print of the compilation during the first session of the 97th Congress.

2. Subcommittee on the Legislative Process, 97th Congress

The Subcommittee on the Legislative Process was established at the beginning of the 96th Congress. It is chaired by Representative Long of Louisiana who chaired the subcommittee in the 96th Congress, and who in the 95th Congress chaired its predecessor subcommittee, the Subcommittee on the Rules and Organization of the House. Other Members who served on the subcommittee in the 97th Congress were Representatives Chisholm, Zeferetti, Derrick, Lott, and Taylor.

Rule 4(b) of the rules of the Committee on Rules provides that the Subcommittee on the Legislative Process shall have general re-

sponsibility for measures or matters concerning relations between the Congress and the Executive branch, and that each subcommittee of the Committee shall review and study, on a continuing basis, the application of laws which are within its general responsibility.

Ten House measures were referred to the subcommittee during the 97th Congress. The subcommittee held nine days of hearings, including one joint hearing with the Subcommittee on the Rules of the House, and took testimony from 30 witnesses.

Measures referred to the subcommittee include:

H.R. 2—Blanchard, et al.: To require reauthorization of budget authority for Government programs at least every ten years, to provide for review of Government programs at least every ten years, and for other purposes.

H.R. 58—Long and Derrick, et al.: To establish as a part of the Rules of the House of Representatives and the Senate a procedure for the periodic congressional review of Federal programs and tax expenditures, and to improve legislative oversight of Federal activities and regulatory programs.

H.R. 434—Quillen: To require authorizations of new budget authority for Government programs at least every six years, to provide for review of Government programs every six years, and for other purposes.

H.R. 502—Roe: To establish as a part of the Rules of the House of Representatives and the Senate a procedure for the periodic congressional review of Federal programs and tax expenditures, and to improve legislative oversight of Federal activities and regulatory programs.

H.R. 1130—Lagomarsino: To require authorization of new budget authority for Government programs at least every five years, to provide for review of Government programs every five years, and for other purposes.

H.R. 2547—Jones of Tennessee: To require authorization of new budget authority for Government programs at least every five years, to establish a procedure for zero-base review of Government programs every five years, and for other purposes.

H.R. 3199—Jones of Tennessee: To require authorizations of new budget authority for Government programs at least every five years, to establish a procedure for zero-base review of Government programs every five years, and for other purposes.

H.R. 4919—Snowe: To establish a procedure for the periodic review of Federal programs by the Congress.

H. Res. 100—Lott, et al.: To amend the Rules of the House of Representatives for the purpose of strengthening and making more accountable the committee system and thereby making the legislative process more efficient, manageable, and representative.

H. Res. 218—Moffett: To provide authority for the creation of an experimental twenty-one-day period commencing in January 1982 during which standing committees of the House of Representatives would engage in the oversight of programs and laws within their jurisdictions in lieu of the consideration of legislation.

The subcommittee continued its examination of proposals to strengthen procedures for congressional review of Federal programs, building on its hearing record of the 96th Congress. Recent changes in

the use of reconciliation during the congressional budget cycle have made the need for more systematic oversight of programs more evident and more urgent.

The subcommittee hearings focused on four measures referred to the subcommittee: H.R. 2, the Sunset Act of 1981, introduced on January 5, 1981 by Representative Blanchard, et al.; H.R. 58, the Sunset Review Act of 1981, introduced on January 5, 1981 by Representatives Long (La.) and Derrick; H. Res. 100, the Committee Improvement Amendments of 1981, introduced on March 4, 1981 by Representative Lott; and H. Res. 218, a resolution to provide for an experimental twenty-one day period for oversight of programs, introduced on September 15, 1981 by Representative Moffett.

The hearing record of the subcommittee on oversight legislation follows:

MONDAY, JULY 13, 1981

(Joint Hearing of the Subcommittee on the Legislative Process and the Subcommittee on the Rules of the House)

Opening statement of Hon. John J. Moakley, chairman of the Subcommittee on the Rules of the House.

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.

Statement of—

Lott, Hon. Trent, a Representative in Congress from the State of Mississippi.

Moffett, Hon. Toby, a Representative in Congress from the State of Connecticut.

Hoyer, Hon. Steny, a Representative in Congress from the State of Maryland.

FRIDAY, SEPTEMBER 18, 1981

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.

Statement of—

Blanchard, Hon. James, a Representative in Congress from the State of Michigan.

Panetta, Hon. Leon, a Representative in Congress from the State of California.

Bedell, Hon. Berkley, a Representative in the Congress from the State of Iowa.

FRIDAY, SEPTEMBER 25, 1981

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.

Statement of—

Brooks, Hon. Jack, a Representative in Congress from the State of Texas.

Schroeder, Hon. Patricia, a Representative in Congress from the State of Colorado.

Friday, October 2, 1981

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.

Statement of—
Moffett, Hon. Toby, a Representative in Congress from the State of Connecticut.
Albosta, Hon. Don, a Representative in Congress from the State of Michigan.

Friday, October 16, 1981

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.
Statement of—
Danielson, Hon. George, a Representative in Congress from the State of California.
Gephardt, Hon. Richard, a Representative in Congress from the State of Missouri.
Mineta, Hon. Norman, a Representative in Congress from the State of California.
Bevill, Hon. Tom, a Representative in Congress from the State of Alabama.
Alexander, Hon. Bill, a Representative in Congress from the State of Arkansas.
Fuqua, Hon. Don, a Representative in Congress from the State of Florida.

Monday, November 2, 1981

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.
Statement of—
Horton, Hon. Frank, a Representative in Congress from the State of New York.

Tuesday, November 17, 1981

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.
Statement of—
Ratchford, Hon. William, a Representative in Congress from the State of Connecticut.
Tauke, Hon. Tom, a Representative in Congress from the State of Iowa.
Eckart, Hon. Dennis, a Representative in Congress from the State of Ohio.
Whitten, Hon. Jamie, a Representative in Congress from the State of Mississippi.

Wednesday, March 24, 1982

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.
Statement of—
Giaimo, Hon. Robert, co-chairman of the Committee for a Responsible Federal Budget.
Schick, Dr. Allen, Professor, School of Public Affairs, University of Maryland.

Wednesday, April 21, 1982

Opening statement of Hon. Gillis Long, chairman of the Subcommittee on the Legislative Process.

Statement of—

Schroeder, Hon. Patricia, a Representative in Congress from the State of Colorado.

Bowsher, Hon. Charles, Comptroller General of the United States, accompanied by Milton Socolar, General Counsel, General Accounting Office, and Harry Havens, Assistant Comptroller General for Program Evaluation.

Other Activities

The sunest concept originated in the States. In order to discover how well sunset was working at the state level, Chairman Long directed the subcommittee staff to conduct a survey of those States where sunset legislation has been in place for a few years.

The subcommittee staff conducted the survey by telephone and letter, compiled and reviewed sunset legislation enacted by State legislatures. With the assistance of the Congressional Research Service, these statutes were assembled in one volume which was published in December 1981. The volume, "A Compilation of State Statutes," also contains a report on State sunset experience by the National Conference of State Legislatures and an annotated bibliography. The compilation is being updated to include revisions in State sunset statutes through 1982.

"Guidelines for the Establishment of Select Committees," a report published for the use of the Committee on Rules in 1977 by the Subcommittee on the Rules and Organization of the House, is also being updated and republished, with the assistance of the Congressional Research Service.

3. Subcommittee on Rules of the House

Establishment and jurisdiction.—The subcommittee was first established at the beginning of the 96th Congress, and was re-established at the beginning of the present Congress. Under committee rule 4(b)(1)(B), the subcommittee has "general responsibility for measures and matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House."

Under the committee rules, the chairman makes subcommittee referrals which enable subcommittees to shape the scope of their legislative inquiries on specific issues, determined by the committee to be of institutional importance. The principal activities of the subcommittee, during the present Congress, have focused on three issues:

Regulatory reform.—In recent years, the issue of reform of the regulatory process has been an important concern of Congress and a major priority of recent Administrations. The "legislative veto" has been a major issue, raised in connection with regulatory reform legislation.

Under clause 1(q) of rule X, the Committee on Rules is vested with responsibility for the "rules and joint rules . . . and the order of busi-

ness of the House." In addition to its well understood responsibility for resolutions relating to the order of business, the committee receives original referral of all bills and resolutions changing or affecting the rules of the House.

The Committee on Rules enjoys joint jurisdiction with the Committee on the Judiciary over legislative veto bills, which contain rule-making provisions and are applicable to federal agency regulating generically. In the case of such bills, applicable to specific agencies or programs, the jurisdiction of the Committee on Rules is shared with the standing committee or committees of the House having responsibility for measures relating to any agency or program in question.

All measures on the subject were referred to the subcommittee during the present Congress.

The subcommittee had developed a substantial hearing record during the preceding Congress and, on the basis of the subcommittee record, the chairman, Mr. Moakley, introduced H.R. 1. That bill was the principal focus of subcommittee consideration in the present Congress. Major alternatives, which were also heard, included H.R. 97 (Mr. Ashbrook), H.R. 1776 (Mr. Levitas) and H.R. 4838 (Mr. Lott).

The subcommittee was unable to act on any of the pending bills because of a clear understanding that the issue would actually be raised in the form of non-germane amendments to H.R. 746, the regulatory reform bill handled by the Committee on the Judiciary.

The bills were the subject of subcommittee hearings on July 13, 1981, October 7, 1981, October 28, 1981, and November 19, 1981, H.R. 746 was subsequently reported from the Committee on the Judiciary and a rule was requested to permit consideration of a compromise version as a substitute with provision for a non-germane amendment to be offered by Mr. Levitas, similar to H.R. 1776. Hearings were held on September 30, 1982 and December 9, 1982, but the large number of witnesses and the press of business at the close of the session precluded action.

Nuclear waste.—During the 96th Congress, efforts to enact a comprehensive nuclear waste bill were frustrated at adjournment. The number of committees involved in the renewed effort in the present Congress posed some difficulties. The subcommittee was charged with responsibility for coordinating activities with three other committees which shared initial referral and three committees which received sequential referral and with making recommendations on the aspects, within the committee's jurisdiction, of the bill's procedures for state review of certain siting decision.

On July 16, 1982 various nuclear waste bills were referred to the subcommittee. It had received referral of H.R. 3809, which had been reported by the Committee on Interior and Insular Affairs on April 27th and by the Committee on Armed Services July 16th. It also received H.R. 5016, reported by the Committee on Science and Technology on December 15, 1981, and H.R. 6598, subsequently reported by the Committee on Energy and Commerce on August 20th. All three bills were referred to the Committee on Merchant Marine and Fisheries and the Committee on the Judiciary, which were discharged on September 15th. The Rules Committee has joint jurisdiction over all bills on the subject because of provisions relating to state review of nuclear waste siting.

In a letter to the chairman, the subcommittee chairman (Mr. Moaklev) explained the need for the Rules Committee to act on the subject of state review:

> I would expect that the subcommittee could act quickly to present a report to the Committee on this subject but I must stress that the issues before our subcommittee are not easy ones. The provision causing referral to our subcommittee is a mechanism for congressional and state review of nuclear waste facility siting decisions. The provisions are refinements of separate legislation (H.R. 1071, 96th Congress) which I put forward in 1979 and which was accepted in the last Congress as part of the nuclear waste bill which did not reach enactment. My prior bill had 52 co-sponsors, including Messrs. Bonior, Long of Louisiana, and Lott.
>
> The current legal climate makes it very difficult to deal with that subject. As you know, the Courts of Appeals in two of the nation's eleven circuits have found unconstitutional two separate laws providing legislative vetoes. Within a month, possibly a matter of days, the Supreme Court will rule for the first time on the constitutionality of a "legislative veto." The specific issue raised in *Chada -v- INS* may require the Court to further muddle a hopelessly confused question; *Chada -v- INS* may require the Court to further muddle a hopelessly confused question. Even as one who has consistently argued that the veto is constitutional in certain contexts, I can see almost no basis on which the Court could uphold the specific law challenged in *Chada*. But that law is *sui generis* and the decision will provide no guidance to lower courts in future veto cases unless the Court broadens its decision with findings unnecessary to resolve the specific case before it.
>
> Thus, the present nuclear waste bill would commit the nation to a program of developing permanent repositories for nuclear wastes, while the only voice that states would have in the siting, planning, and construction of these facilities, during the developmental period (which will run from enactment to the first decade of the next century) or the operational phase (housing wastes which will remain active for periods of between a thousand and several million years) will be a mechanism whose constitutionality will be in considerable doubt.

On September 13th, after the bills had been pending in subcommittee for only 25 legislative days, the subcommittee chairman circulated a complete substitute for the nuclear waste bills and recommended that, because of time pressures, the matter be handled in full committee in connection with a "rule." The committee substitute was based substantially on the well thought out and highly respected recommendations of the Office of Technology Assessment. These conclusions had drawn substantial support from OTA's advisory panel on the subject which includes representation from such diverse interests as the Sierra Club, the State of South Carolina, Westinghouse, Pacific Gas & Electric, Audubon Society, the Oil, Chemical & Atomic Workers Union, the League of Women Voters, the Kansas Geological Survey, and the radiation waste management committee of the National Academy of Sciences.

Although the report of the principal committee had been available for only three legislative days and the committee reporting process was only completed on September 15th, the committee scheduled its first hearing the following day. After a series of meetings to keep the committee apprised of the development of a concensus bill, a rule was reported on September 28th.

The principal component of the Moakley Substitute, within the jurisdiction of the committee, was incorporated in the concensus bill which was made in order as the base floor vehicle for consideration of the issue.

Those provisions require passage of a joint resolution to overturn a state's objection to the selection of a repository site, as provided also in H.R. 3809, in contrast to the procedure in H.R. 6598, H.R. 5016, and S. 1662 which requires passage of a resolution by at least one House of Congress to sustain a state's objection. However, unlike H.R. 3809, the procedures for consideration of a joint resolution *ensure* that sluch resolution will be voted on by each House.

Subsequently, nuclear waste legislation was enacted that incorporated the committee amendment.

Federal Trade Commission.—H.R. 6995, the Federal Trade Commission Authorization Act of 1982 was introduced by Mr. Florio, August 17, 1982 and referred jointly to the Committee on Energy and Commerce and the Committee on Rules.

On August 18th, immediately preceding a recess, the Commerce Committee ordered the bill reported. It was reported to the House September 15th. To accommodate prompt action on the bill, it was handled in full committee, but the subcommittee provided technical assistance and support in the preparation of the committee's constitutional findings on the legislative veto.

The bill was jointly referred because section 7 of H.R. 6995 would have enacted as permanent law a legislative veto substantially similar to provisions contained in section 21 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252) which expired September 30th.

Although the bill did not reach enactment at the adjournment of the Congress, provisions of existing law are continued through September 30, 1983 by an appropriation bill and the issue is expected to be considered in the next Congress.

III. Statistical Profile of the Committee on Rules, 97th Congress

A. STATISTICS ON SPECIAL ORDERS OR "RULES"

1. Number of formal requests for Rules Committee hearings: 186.
   (a) Number of formal requests pending at adjournment: 23.
2. Number of hearing days: 81.
   (a) 1st session: 38.
      (1) Regular meetings: 33.
      (2) Emergency meetings: 5.
   (b) 2nd session: 43.
      (1) Regular meetings: 32.
      (2) Emergency meetings: 11.

3. Number of bills, resolutions and conference reports on which hearings were held for the purpose of considering special orders or "rules":

(a) Number of rules granted: 152.
(1) Bills and resolutions: 145.
(2) Conference reports: 7.

(b) Types of rules granted:
(1) Open: 90.
(2) Modified open: 12.
(3) Modified closed: 10.
(4) Closed: 0.
(5) Others (e.g., rules waiving points of order against conference reports or appropriations bills): 40.
Total: 152.

(c) Disposition of rules granted:
(1) Adopted by House: 132; (a) Amended by House: 1.
(2) Rejected by House: 1.
(3) Referred by House: 1.
(4) Laid on table: 1.
(5) Remaining on House Calendar at adjournment: 15.
Total: 152.

4. Number of Congressional Budget Act waivers granted: 98.
(1) Sec. 303(a): 1.
(2) Sec. 303(a)(1): 2.
(3) Sec. 303(a)(2): 0.
(4) Sec. 303(a)(3): 0.
(5) Sec. 303(a)(4): 9.
(6) Sec. 305 (a): 1.
(7) Sec. 311(a): 15.
(8) Sec. 401(a): 21.
(9) Sec. 401(b)(1): 7.
(10) Sec. 402(a): 42.

5. Number of waivers of Rules of the House granted: 127.

(a) Types of waivers:
(1) Rule XI, cl. 2(1)(5)(b): 0.
(2) Rule XI, cl. 2(1)(6): 9.
(3) Rule XIII, cl. 3: 1.
(4) Rule XVI, cl. 7: 27.
(5) Rule XXI, cl. 2: 19.
(6) Rule XXI, cl. 5: 41.
(7) Rule XXI, cl. 6: 15.
(8) Rule XXI, cl. 7: 2.
(9) Rule XXVIII, cl. 3: 4.
(10) Rule XXVIII, cl. 4: 1.
(11) Other: 7.

B. STATISTICS ON ORIGINAL JURISDICTION

1. Full committee:
(a) Number of bills and resolutions (measures) referred: 216.
(b) Number of measures referred to subcommittee: 54.
(1) Rules subcommittee: 44.
(2) Legislative Process: 10.

(c) Number of original jurisdiction measures: 16 (3 on outside earned income) on which hearings were held by full committee.

(d) Number of hearings and markups held by full committee: 17.

(e) Days of hearings by Task Force on the Budget Process: 4.

(f) Number of measures reported by full committee: 10.

(1) Disposition of measures reported:

(a) Resolutions adopted by House: 8.
Bills passed: 2 (H.R. 1465 and H.R. 6995).

(b) Measures reported and pending floor action at adjournment: 0.

(c) Resolutions rejected by House: 2 (H. Res. 251 and H. Res. 581).

(2) Subcommittee on the Legislative Process:

(a) Measures referred: 10.

(b) Days of hearings and markup: 9.

(c) Measures reported: 0.

(3) Subcommittee on Rules of the House:

(a) Measures referred: 44.

(b) Days of hearings and markup: 4.

(c) Measures reported: 0.

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